

## CHAPTER ENG 100 DEFINITIONS, ORGANIZATION AND PUBLIC INFORMATION

### PART ENG 101 PURPOSE AND SCOPE

Eng 101.01 Purpose and Scope. The rules of this title implement the statutory responsibilities of the New Hampshire board of professional engineers created by RSA 310-A:3. These provisions regulate but are not limited to the licensing of professional engineers and the practice of professional engineering in the state of New Hampshire.

### PART Eng 102 DEFINITIONS

Eng. 102.01 Terms Used. As used in these rules, the following terms shall have the meanings indicated:

(a) “Professional engineer” means, professional engineer as defined in RSA 310-A:2, II namely “a person who by reason of advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience, is technically and legally qualified to practice engineering, and who is licensed by or otherwise authorized by this subdivision to engage in the practice of engineering.”

(b) “Practice of engineering” means, practice of engineering as defined in RSA 310-A:2, III, namely “any professional service or creative work requiring education, training, experience and the application of advanced knowledge of mathematics and physical sciences, involving the constant exercise of discretion and judgment, to such services or work as consultation, investigation, evaluation, planning, design, responsible oversight of construction and responsible oversight of operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects wherein the public welfare, or the safeguarding of life, health or property is concerned.”

(c) “Engineer-in-training” means a person who has qualified for, taken and passed the National Council of Examiners for Engineers and Surveyors examination in the fundamentals of engineering and has been issued a certificate by the board.

(d) “Board” means the New Hampshire board of professional engineers created by RSA 310-A:3.

(e) “Board administrator” means the board’s staff director, a person with delegated authority to perform administrative and clerical functions for the board.

### PART ENG 103 BOARD ORGANIZATION

Eng 103.01 Duties and Responsibilities The board shall administer the provisions of RSA 310-A:2-27 which include but are not limited to safeguarding life, health, and property, to promoting public welfare and maintaining a high standard of integrity regarding the practice of professional engineering in this state.

Eng 103.02 Composition of the Board. The board shall consist of 5 members who meet the eligibility requirements of RSA 310-A:3.

Eng 103.03 The Chairperson and Vice Chairperson. The chairperson shall preside at all meetings. In the absence of the chairperson, the vice-chairperson shall preside.

Eng 103.04 Staff. The board shall designate a board administrator and such other staff members as are necessary to perform the record-keeping and other statutory functions of the board and to oversee the board's day-to-day operations.

Eng 103.05 Organization. Beginning with the regular meeting in July and annually thereafter, the board shall meet and organize and, by election from among its members, select a chairperson, vice-chairperson and secretary.

Eng 103.06 Seal. The seal of the board shall be an embossed circular seal consisting of 2 concentric circles, the outer circle having a diameter of 1 7/8 inches and an inner circle having a diameter of 1 3/8 inches. In the space between the 2 circles there shall be the words "Board of Licensure for Professional Engineers" At the top of the seal, inside of the inner circle, shall be the words "New Hampshire." In the center space there shall be a representation of the Old Man of the Mountain.

Eng 103.07 Office Hours, Office Location, Mailing Address and Telephone.

(a) The board's office shall be located at the New Hampshire Joint Board, 57 Regional Drive, Concord, N.H. 03301, and shall be open to the public weekdays, excluding holidays, from 8:00 a.m. to 4:00 p.m.

(b) Correspondence shall be addressed to the board's administrator at the location stated in Eng 103.07 (a).

(c) The board's telephone number shall be (603)-271-2219.

## PART ENG 104 PUBLIC INFORMATION

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Eng 104.01 Record of Board Actions. Minutes shall be kept of board meetings and of official actions taken by the board. Minutes of board actions which are not confidential under RSA 91-A:3, II or RSA 91-A:5 shall be a governmental record and shall be available for inspection during the board's ordinary office hours within 5 days from the close the meeting or vote in questions unless the 72 hours availability requirement of RSA 91-A:3, III is applicable.

Eng 104.02 Custodian of Records. Persons desiring copies or board records shall submit a request which identifies as particularly as possible the information being sought and agrees to pay a copying fee of \$.25 per page. If records are requested which contain both public and confidential information, the board shall delete the confidential information and provide the remaining information.

Eng. 104.03 Roster Distribution Copies of a roster containing names, addresses, and assigned numbers of licensed Professional Engineers shall be furnished upon request. The fee shall be \$20.00.

#### PART ENG 105 MEETINGS, DELIBERATIONS AND DECISIONS

Eng 105.01 Meetings. Regular meetings shall be held at least at least each month, provided that there is board business to be conducted. Special meetings, shall be called by order of the chairperson or secretary for consideration of appropriate board business. Each member of the board shall be notified in writing of each meeting and such notice shall contain the place, date, time, and subject of the meeting. Notice of meetings shall be posted at the board office and the state house.

Eng 105.02 Quorum. A quorum of the board shall consist of not less than 3 members and a majority vote by the members present shall be necessary to pass a motion unless otherwise specified by law. In the absence of the chair, vice chair, or secretary, the chair shall designate a pro tempore officer for the officer or officers absent.

Eng 105.03 Board Meeting Procedures. The board shall conduct their meetings in the following order:

- (a) Reading of the minutes;
- (b) Interviews/meetings;
- (c) Reading of communications;
- (d) Reading and consideration of applications;
- (e) Unfinished business;
- (f) New business; and
- (g) Adjournment.

Eng 105.04 Procedures. Roberts Rules of Order, 9th edition dated 1990 shall govern the procedures of the board.

#### Eng. 105.05 Tentative Decisions

(a) When necessary to conduct the board's business in a timely and efficient manner, the board shall instruct its staff or a committee of the board to prepare a draft document, subject to subsequent review and approval by the board. Such instructions shall be known as tentative decisions.

(b) Tentative decisions are not final actions, and shall not be binding upon the board. Changes in the form or the substance of a tentative decision shall be made as often as necessary to produce a final document, which satisfactorily sets forth the final result the board intends to reach. The board's final decision shall be issued only when the necessary majority has voted in favor of the final form of the proposed action, allowing time for printing or servicing the document in question.

(c) A member who was absent from the meeting at which a tentative decision was made or revised may vote on a final proposal derived from the member's evaluation of a tentative decision if the member is otherwise qualified to vote on the matter in question.

## PART ENG 106 APPOINTMENT OF COMMITTEES

### Eng 106.01 Committees

(a) A committee shall consist of one or more of board members who have been directed by the board to investigate and make recommendations on matters which could be handled by the full board.

(b) When expressly authorized by the board, the authority of a committee shall include:

- (1) The retention of voluntary assistance from qualified non-board members; and
- (2) The retention of paid advisors or consultants pursuant to RSA 332:G-3.